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December 11, 2007

VIA FACSIMILE (1-212-805-6304)

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Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
Chambers 735, Courtroom 20-C
500 Pearl Street
New York, New York 10007

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JOINT APPLICATION

MEMO ENDORSED

Re: *Indemnity Insurance Co. of North America, et al.*
v. Lufthansa Cargo A.G., et al.
07 Civ. 5576 (PAC)
Our File: 7G-1468

Dear Honorable Sir:

We represent the Exel/DHL defendants and write on behalf of all parties to request a sixty (60) day extension of the preliminary discovery period. This is the first request for such an extension.

By way of brief background, this matter concerns a shipment said to contain pharmaceuticals moving from Germany to the United States in September, 2006. Plaintiffs allege that the shipment was subject to a temperature excursion. Among other things, Defendants hold Plaintiffs to their proofs, and further assert that any liability (which is denied) is subject to the limitations of the applicable carriage contracts and by international convention.

At the October 24, 2007 Initial Case Management conference, the Court ordered that preliminary discovery be undertaken so as to address various threshold issues. The Court refrained from entering a Case Management Order with the idea being that the parties would reappear on January 3, 2008 for a further conference.

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The parties have diligently been working toward completing the contemplated preliminary discovery. Certain document discovery has been exchanged and is ongoing. Certain Rule 30(b)(6) depositions have been noticed and counsel for the parties have conferenced on, at least, two occasions for the purpose of identifying and exploring threshold issues. Notwithstanding, the volume of documents, the necessity of coordinating with multiple individuals from overseas as deposition witnesses, and the imposition of the Holidays, has somewhat delayed the parties' good efforts. In addition, DHL's internal claims handler, who acts as the undersigned's contact went on an unexpected medical leave on November 9, 2007, and will not return until the beginning of the New Year. This development has required the undersigned firm undertake its own individual effort to reach out to various company branches and individuals in pursuit of documents and information. It is believed that upon the claims handler's return in early January, 2008, she will be in the best position to confirm that the undersigned is in possession of all of the relevant documents and information.

Against this background, and on behalf and with the consent of all parties, it is respectfully requested that this Court order a sixty (60) day extension of the preliminary discovery period up to and including Monday, March 3, 2008. Concurrently, it is requested that the January 3, 2008 conference be rescheduled to coordinate with the conclusion of the preliminary discovery period. In compliance with the your Honor's Individual Practices, the parties propose alternate conference dates of March 5, 6, or 7, 2008.

This request for an extension of the discovery schedule is made in good-faith and is not intended to frustrate or delay the timely resolution of this matter. Rather counsel respectfully submit that the additional time will facilitate ongoing efforts to narrow the issues which require adjudication.

On behalf of all parties, we thank your Honor for his continuing attention to this matter.

Respectfully yours,

DEORCHIS, WIENER & PARTNERS, LLP

By

John K. Fulweiler

JKF:ls:npo

cc: (Served concurrently via e-mail.)

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* Application GRANTED. The conference is adjourned to 3/5/08 at 2:45pm in Courtroom 20C

SO ORDERED:

Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE